

REMARKS

Status of the Claims

Applicants respectfully submit that the amendments and remarks presented herein put the claims in condition for allowance, and respectfully request reconsideration thereof.

Claims 1-26, 28-78, 84-91 and 181-447 were pending and had been examined. Claims 1, 28, 184, 210, 272, 298, 360, and 386 have been amended herein to more particularly point out and distinctly claim applicants' invention. Support for these amendments can be found at, for example, page 32, lines 14-18; FIG. 26; and claim 28 as originally filed. Applicants request their entry.

Applicants also maintain the position that claims 1-26, 28-78, 84-91, and 181-447 as examined are patentable over the cited references for at least the reasons set forth in our response filed January 27, 2005, and expressly reserve the right to argue the patentability of those claims in subsequent proceedings.

Upon entry of the above amendments, claims 1-26, 28-78, 84-91, and 181-447 remain in this application for further examination.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-26, 28-35, 41-78, 84-88, 91, 181-218, 220, 223-265, 268-305, 311-352, 354, 356-393, 399-440, 442, and 444-

447 stand rejected under 35 U.S.C. § 103(a) as being unpatentable under Etheredge U.S. Patent 6,172,674 ("Etheredge") in view of Alexander et al. U.S. Patent 6,177,931 ("Alexander"). Claims 36-40, 89, 90, 219, 221, 222, 266, 267, 306-310, 353, 355, 394-398, 441 and 443 stand rejected under 35 U.S.C. § 103(a) under Etheredge in view of Alexander and Williams et al. U.S. Patent 5,977,964 ("Williams"). These rejections are respectfully traversed.

Independent Claims 1, 184, 272 and 360.

Independent claims 1, 184, 272, and 360 are directed towards a television program guide system that displays a "hot list" of programs to a user. All of the programs identified in the hot list are substantially currently available for viewing by the user. Moreover, all of the programs on the hot list are also based on the preference profile associated with the user.

The Examiner has correctly acknowledged the novelty of applicants' approaches over the combination of Etheredge and Alexander, stating that "[neither] Etheredge nor Alexander teaches that all of the programs identified in the hot list are substantially currently available for viewing by the user." (Office Action at page 4.) However, the Examiner has taken Official Notice that such a feature is well known in the art. (*Id.*) Applicants respectfully disagree with this contention, but nevertheless submit that the amendments presented herein have obviated this rejection.

Applicants have amended these claims to incorporate some of the features of their respective dependent claims

28, 210, 298, and 386. In this manner, applicants' invention now includes the useful feature of providing the user with options relating to how the hot list is displayed. In particular, the user is provided with the option to display the hot list a predetermined time before the scheduled broadcast times of the hot list programs.

Applicants submit that providing the user with this option is a patentable improvement over Etheredge and Alexander. Although the Examiner states that both Etheredge and Alexander refer to presenting and displaying various program guide screens to a user, only applicants' claimed invention includes the feature in which the user is provided with the option of controlling the time and occasion for displaying applicants' hot list.

In addition to the above arguments, applicants further submit that amended claims 1, 184, 272, and 360 are patentable because they incorporate patentable features from their respective patentable dependent claim. Claims 28, 210, 298, and 386, *inter alia*, were improperly rejected because the Office Action (at pages 10-11) failed to treat or discuss any of their specific features, nor did the Office Action point out where such features are disclosed (if at all) in the cited documents. In particular, the feature of providing an option for the user to display a hot list a predetermined period of time before the scheduled broadcast times of the hot list programs was not treated in this rejection. For at least this reason, claims 28, 210, 298, and 386 are patentable. Further, because amended claims 1, 184, 272, and 360 have each incorporated this patentable feature from their respective

dependent claim, amended claims 1, 184, 272, and 360 are also patentable.

Therefore, applicants submit that claims 1, 184, 272, and 360 are patentable over Etheredge and Alexander for at least any of the above reasons. Moreover, Williams provides no further teaching or suggestion, either alone or in combination with Etheredge and Alexander, that renders claims 1, 184, 272 and 360 unpatentable. Applicants respectfully request reconsideration and withdrawal of this rejection.

Dependent Claims

Claims 2-26, 28-78, 84-91, 181-183, 185-271, 273-359, 361-447, which depend from claims 1, 184, 272 and 360, are patentable for at least the same reasons that claims 1, 184, 272 and 360 are patentable. Applicants therefore request reconsideration and withdrawal of these rejections. In addition, applicants expressly reserve their right to argue the patentability of the subject matter of any one of the dependent claims in a future proceeding.

CONCLUSION

The foregoing demonstrates that all of the pending claims are patentable and are in condition for allowance. Reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,



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